



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,558	02/14/2005	Frank Bosse	P70339USO	1030
13% 7590 12/22/2009 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
THROWER, LARRY W				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
12/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,558

Applicant(s)

BOSSE, FRANK

Examiner

LARRY THROWER

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 13, 2009 has been entered.
2. Claim 1 is amended; claims 2-3 and 10 are canceled; claims 6-9 and 11 are withdrawn; claims 12-16 are new. Claims 1, 4-5 and 12-16 are under examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 4-5 and 12-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoene *et al.* (US 2002/0048617) in view of Dellbruegge (DE 19501668; paragraph references to the machine translation).
- Regarding **claims 1 and 15**, Hoene *et al.* discloses a process for the preparation of tube webs (abstract). The process includes extruding a film tube (¶28), laying the extruded film tube flat (¶28), and squeezing the film tube (abstract; figure; squeezing

rolls 9), and performing a reversing operation such that the inner parts of the surfaces of the film tube come into direct contact, the surfaces that come into direct contact with each other being those that formed an interior surface of the film tube (figure).

- Hoene *et al.* fails to disclose the flattened film tube being cut in a conveying direction to provide a first and second sheet. However, Dellbruegge discloses a process for the preparation of sheets which includes extruding a film tube (10; ¶2), laying the film tube flat and squeezing it (¶2; squeeze rollers 16), cutting the extruded film tube in the conveying direction of the tube to provide first and second sheets (¶5; fig. 1), and reversing the cut sheets (fig. 1). As taught by Dellbruegge, arranging knives on opposite sides of the film tube allows the flattened tube to be cut such that two sheets are formed (¶5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the process of preparing tube webs of Hoene *et al.* with the knives of Dellbruegge to slit the film tube such that two sheets are formed.
- Regarding **claim 4**, Dellbruegge discloses the sheets being prepared with at least one sticky surface by extruding the film tube with at least one sticky outer surface (¶5).
- Regarding **claim 5**, Dellbruegge discloses the film tube having a sticky external surface (¶5), and Hoene *et al.* discloses that during the reversing operation only surfaces of the web that had formed the internal surface of the film tube contact each other (figure).

- Regarding **claim 12**, Hoene discloses the step of laying the extruded film tube flat including compressing the extruded film tube from opposite sides thereof so as to provide flattened film tube sides that are not in contact with each other (figure).
- Regarding **claim 13**, Hoene discloses a cushion of air remaining between the flattened film tube sides (figure).
- Regarding **claims 14 and 16**, Hoene discloses the step of cutting the flattened film tube being effected with the cushion of air present between the flattened film tube sides (figure).

Response to Arguments

5. Applicant's arguments filed November 13, 2009 have been fully considered but they are not persuasive.
- Applicant argues that " a person having ordinary skill in the art - with the task of producing film webs having one sticky layer - would not take the teaching of Hoene into account, because Hoene does not disclose such sticky film layers." This argument has been considered but is not persuasive for two reasons. First, the independent claims do not require the film webs to have a sticky layer. Second, the rejection is based on the combination of Hoene et al. in view of Dellbruegge, wherein Dellbruegge discloses the sheets being prepared with at least one sticky surface by extruding the film tube with at least one sticky outer surface (¶15).
 - Applicant further argues that there is no teaching in either reference that would have led one to combine the references. This argument has been considered but is not

persuasive. Because both references are directed to processes for withdrawing and laying flat tubular blown extruded film webs, one would have a reasonable expectation of success from the combination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LARRY THROWER whose telephone number is 571-270-5517. The examiner can normally be reached on Monday through Friday from 9:30AM-6PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/524,558
Art Unit: 1791

Page 6

/Larry Thrower/
Examiner, Art Unit 1791

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791